



# State of Nebraska

## NEBRASKA EQUAL OPPORTUNITY COMMISSION

### NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF DECEMBER 14, 2012

Commissioner Yates called the meeting to order in Lincoln, Nebraska at 9:07 a.m. on December 14, 2012. It was established after a roll call that there was a quorum.

#### I. ROLL CALL

##### *Commissioners Present*

Kristin Yates, Chairperson  
Bette Trumble  
Rita Griess

Royce Jeffries, Vice Chairperson  
Arnold Nesbitt  
Eric Drumheller

##### *Staff Present*

Barbara Albers, Executive Director  
Paula Gardner, Unit Director  
Shelley Foss, Investigator III

Gretchen Eure, Unit Director  
Cat Souliere, Staff Assistant

#### II. AFFIDAVIT OF PUBLICATION

The Affidavit of Service from the Lincoln Journal Star was read to show that the public was made aware of the December 14, 2012 Commission meeting.

#### III. APPROVAL OF MINUTES

Commissioner Jeffries moved to approve the November 16, 2012 Commission meeting minutes.

Commissioner Drumheller seconded the motion.

ROLL CALL:      Ayes:      Drumheller, Trumble, Jeffries, Yates, Griess  
                     Nays:  
                     Abstained:      Nesbitt  
                     Motion Carried

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IV. ADDITIONS OR CORRECTIONS

None.

V. PUBLIC INPUT (Non Case)

Limit of 5 minutes per person for a total of a 30 minute session.

None at this time.

VI. INTRODUCTION TO PUBLIC INPUT (Agenda Cases)

The cases wherein a party to the case was present were moved to the front of the agenda under Section

VII. CASE DISPOSITIONS.

VII. CASE DISPOSITIONS

NEB 1-12/13-7-43253 (Respondent was present.)

Commissioner Griess moved for no reasonable cause.

Commissioner Trumble seconded the motion.

ROLL CALL:       Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                      Nayes:  
                      Abstained:  
                      Motion Carried

NEB 2-11/12-3-42894 (Respondent was present.)

Commissioner Drumheller moved for no reasonable cause.

Commissioner Jeffries seconded the motion.

ROLL CALL:       Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                      Nayes:  
                      Abstained:  
                      Motion Carried

NEB 1-10/11-5-42512 (Complainant and Respondent were present.)

Commissioner Nesbitt moved for no reasonable cause.

Commissioner Trumble seconded the motion.

ROLL CALL:       Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                      Nayes:  
                      Abstained:  
                      Motion Carried

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NEB 2-11/12-3-42881 (Complainant was present.)

Commissioner Jeffries moved for no reasonable cause.

Commissioner Drumheller seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nays:  
                          Abstained:  
                          Motion Carried

NEB 2-11/12-3-42892 (Respondent was present.)

Commissioner Nesbitt moved for no reasonable cause on all issues.

Commissioner Griess seconded the motion.

Commissioner Nesbitt withdrew his motion.

Commissioner Griess withdrew her second.

Commissioner Nesbitt moved for reasonable cause on the issue of retaliation (discipline) and no reasonable cause on the issue age (promotion).

Commissioner Yates seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nays:  
                          Abstained:  
                          Motion Carried

NEB 2-11/12-5-42939 (Respondent was present.)

Commissioner Trumble moved for no reasonable cause.

Commissioner Yates seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nays:  
                          Abstained:  
                          Motion Carried

NEB 1-12/13-7-43280 (Respondent was present.)

Commissioner Jeffries moved for no reasonable cause.

Commissioner Drumheller seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nays:  
                          Abstained:  
                          Motion Carried

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NEB 2-11/12-12-42474 (Complainant and Respondent were present.)

Commissioner Griess moved for no reasonable cause.

Commissioner Trumble seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

NEB 2-11/12-1-42838 (Complainant and Respondent were present.)

Commissioner Nesbitt moved for no reasonable cause.

Commissioner Jeffries seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

NEB 1-11/12-4-43130 (Complainant and Respondent were present.)

Commissioner Nesbitt moved for reasonable cause on all issues.

Commissioner Jeffries seconded the motion.

Commissioner Nesbitt withdrew his motion.

Commissioner Jeffries withdrew his second.

Commissioner Nesbitt moved for reasonable cause on the basis of retaliation.

Commissioner Jeffries seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

Commissioner Nesbitt moved for no reasonable cause based on age.

Commissioner Trumble seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

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NEB 2-12/13-9-2752-H (Respondent was present.)

Commissioner Jeffries moved for no reasonable cause.

Commissioner Yates seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

NEB 1-11/12-5-43188 (Respondent was present.)

Commissioner Griess moved for no reasonable cause.

Commissioner Yates seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

NEB 2-11/12-9-42408 (Complainant was present.)

Commissioner Jeffries moved for no reasonable cause.

Commissioner Nesbitt seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

NEB 2-11/12-2-42866 (Complainant was present.)

Commissioner Yates moved for no reasonable cause.

Commissioner Jeffries seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

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NEB 2-12/13-9-2750-H (Respondent was present.)

Commissioner Griess moved for no reasonable cause.

Commissioner Trumble seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Trumble, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

Commissioner Trumble left the meeting at this time.

NEB 1-12/13-8-2745-H (Complainant and Respondent were present.)

Commissioner Yates moved for no reasonable cause.

Commissioner Nesbitt seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt  
                          Nayes:  
                          Abstained:   Griess  
                          Motion Carried

NEB 2-11/12-6-42956  
NEB 1-11/12-6-43207  
NEB 1-11/12-6-43205  
NEB 2-11/12-4-42901  
NEB 2-11/12-11-42468  
NEB 2-11/12-5-42938  
NEB 2-12/13-8-43317  
NEB 2-12/13-10-2762-PA  
NEB 2-12/13-7-42972  
NEB 1-11/12-3-43111

Commissioner Yates moved for no reasonable cause on the above cases.

Commissioner Nesbitt seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

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VIII. SUCCESSFUL AGREEMENTS

NEB 2-11/12-5-42935

NEB 3-11/12-3-429798

Commissioner Yates moved to adopt the agreements.

Commissioner Nesbitt seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

IX. ADMINISTRATIVE ACTIONS

A. WITHDRAWALS

NEB 2-12/13-7-42982

Commissioner Yates moved to administratively close the above cases based on the Complainant withdrawing.

Commissioner Nesbitt seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

B. EEOC

NEB 2-11/12-2-42855

NEB 2-11/12-5-42920

NEB 3-11/12-6-43228

Commissioner Yates moved to adopt the findings of the EEOC.

Commissioner Nesbitt seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

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X. CONCILIATION

None at this time.

XI. CONCILIATION CASES TO BE CONSIDERED FOR PUBLIC HEARING

None at this time.

XII. PUBLIC HEARING

None at this time.

XIII. CIVIL ACTION

None at this time.

XIV. BUSINESS

1. Fair Housing Center Letter

Director Albers reminded the Commission that the Fair Housing Center wants to send the agency the results of tests that they believe show discrimination with the expectation that the Commission would initiate charges. This item was tabled from last meeting.

Gretchen Eure stated that the Fair Housing Center filed two charges as the Complainant with HUD and those charges were deferred to us by HUD.

Commissioner Griess moved to keep the policy the way it is.

Commissioner Nesbitt seconded the motion.

ROLL CALL:       Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                      Nayes:  
                      Abstained:  
                      Motion Carried



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## 2. MLK Freedom Breakfast, January 18, 2013, Embassy Suites Hotel, Lincoln, NE

Commissioner Yates moved to move the January meeting and to make a \$100 donation and to buy tickets for any staff that who wish to attend.

Commissioner Griess seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

## 3. Election of Officers for 2013

Commissioner Yates moved to select Commissioner Jeffries as chair for 2013.

Commissioner Nesbitt seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

Commissioner Jeffries moved to select Commissioner Yates as vice-chair for 2013.

Commissioner Drumheller seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

## 4. Review of Previous Month's Budget Reports

Commissioner Yates moved to approve and accept the previous month's budget reports.

Commissioner Jeffries seconded the motion.

ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

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XV. ADJOURNMENT

Commissioner Yates moved to adjourn the December 14, 2012 Commission meeting at 1:12 p.m.  
Commissioner Nesbitt seconded the motion.

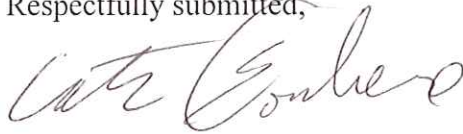
ROLL CALL:           Ayes:     Drumheller, Jeffries, Yates, Nesbitt, Griess  
                          Nayes:  
                          Abstained:  
                          Motion Carried

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Respectfully submitted,



Cat Souliere  
Staff Assistant

December 14, 2012

Date

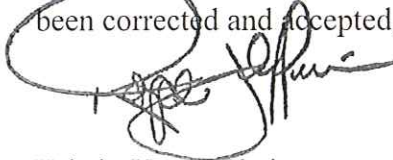


Barbara Albers  
Executive Director

12-18-2012

Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of December 14, 2012 have been corrected and accepted, and henceforth approved on this date.



~~Kristin Yates~~, Chairperson  
Royce Jeffries

JAN 18 2013

Date